

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TRAVIS JUSTIN CUELLAR,
Plaintiff,

v.

FRESNO COUNTY SHERIFF, et al.,
Defendants.

No. 1:20-cv-00707-DAD-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. Nos. 28, 32)

Plaintiff Travis Justin Cuellar is proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 25, 2022, the assigned magistrate judge issued findings and recommendations, recommending that defendants' motion for summary judgment be granted and that this case be dismissed, without prejudice, due to plaintiff's failure to exhaust his administrative remedies prior to filing suit as is required. (Doc. No. 32.) Those findings and recommendations were served on all parties and contained notice that any objections thereto were to be filed within thirty (30) days after service. (*Id.* at 15.) To date, no objections to the findings and recommendations have been filed with the court, and the time in which to do so has now passed.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
2 *de novo* review of the case. Having carefully reviewed the entire file, the court finds the findings
3 and recommendations to be supported by the record and by proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on January 25, 2022 (Doc. No. 32) are
6 adopted;
- 7 2. Defendants' motion for summary judgment (Doc. No. 28) is granted;
- 8 3. This action is dismissed without prejudice due to plaintiff's failure to exhaust his
9 administrative remedies prior to filing suit; and
- 10 4. The Clerk of the Court is directed to close this case.

11 IT IS SO ORDERED.

12 Dated: March 31, 2022

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15 UNITED STATES DISTRICT JUDGE
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